

HOUSE BILL 737

A2

EMERGENCY BILL

2lr2818
CF SB 654

By: **Chair, Baltimore County Delegation (By Request – Baltimore County Administration)**

Introduced and read first time: February 8, 2012

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2012

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County – Alcoholic Beverages Licenses**

3 FOR the purpose of altering certain minimum percentages of average daily receipts
4 from the sale of food that restaurants must maintain for a certain purpose;
5 prohibiting the Baltimore County Board of Liquor License Commissioners from
6 authorizing the transfer of more than a certain total of certain licenses in
7 existence on a certain date out of a certain election district; authorizing the
8 Baltimore County Board of Liquor License Commissioners to approve the
9 transfer of certain alcoholic beverages licenses in existence in a certain election
10 district on a certain date to certain election districts based on a certain rule;
11 establishing ~~a certain limit~~ certain limits on the number of licenses that may be
12 transferred during ~~a certain period~~ certain periods; establishing a certain limit
13 on the number of licenses that may be transferred into a single election district;
14 requiring the Board to create and issue a certain number of Class B Service Bar
15 (SB) beer and wine licenses during certain time periods under certain
16 circumstances; requiring a Class B Service Bar (SB) beer and wine license to
17 comply with certain provisions of law relating to the operation of restaurants;
18 establishing a certain fee; requiring the conversion of a Class D license to a
19 Class B license that is transferred from a certain election district to any other
20 election district and prohibiting its transfer or conversion to another class of
21 license; prohibiting the transfer from a licensed premises or conversion to
22 another class of license of any new license issued by the Board based on a
23 certain increase in population; requiring the issuance of a license for a
24 partnership to be issued to at least two general partners, at least one of whom is

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 a registered voter of any county or Baltimore City and resides in the county or
 2 Baltimore City at the time of application; requiring the Board to issue a license
 3 to only one partner of a partnership as an individual under certain
 4 circumstances; altering the maximum number of certain licenses an individual
 5 or a sole proprietorship, partnership, corporation, unincorporated association, or
 6 limited liability company may obtain a certain interest in; repealing certain
 7 provisions of law relating to minimum seating capacity for dining ~~and~~; altering
 8 the maximum seating capacity for a certain cocktail lounge or bar; altering a
 9 maximum percentage of sales in alcoholic beverages; altering a certain
 10 residency requirement for certain license applicants to require residency in the
 11 State for a certain period of time; repealing a certain provision of law requiring
 12 that a certain certificate be signed by a certain number of citizens regarding the
 13 length of time each has been acquainted with a certain applicant; requiring the
 14 Board to allow a certain reduction of certain square footage requirements
 15 applicable to certain buildings under a certain rule; requiring the County
 16 Executive for Baltimore County to appoint a certain task force to study certain
 17 issues relating to the distribution of alcoholic beverages licenses in Baltimore
 18 County; providing for the construction of certain provisions of this Act;
 19 providing for the application of certain provisions of this Act; making this Act
 20 an emergency measure; and generally relating to the transfer and issuance of
 21 alcoholic beverages licenses in Baltimore County.

22 BY adding to
 23 Article 2B – Alcoholic Beverages
 24 Section ~~8–204.7 and~~ 8–204.8, and 8–204.9
 25 Annotated Code of Maryland
 26 (2011 Replacement Volume)

27 BY repealing and reenacting, with amendments,
 28 Article 2B – Alcoholic Beverages
 29 Section 8–204.3(d)(1), (2), and (3) and (e), 8–204.4(d), 8–204.5(d), 9–101(a)(1),
 30 9–102(b–3B)(1) and (2) and (b–3C)(1), and 10–103(b)(4) and (18)
 31 Annotated Code of Maryland
 32 (2011 Replacement Volume)

33 BY repealing
 34 Article 2B – Alcoholic Beverages
 35 Section 10–104(e)
 36 Annotated Code of Maryland
 37 (2011 Replacement Volume)

38 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 39 MARYLAND, That the Laws of Maryland read as follows:

40 **Article 2B – Alcoholic Beverages**

41 8–204.3.

1 (d) (1) The Class B (B, W, L) (TCRD) licenses may be issued only for a
2 location within the Towson Commercial Revitalization District, as defined by the
3 Baltimore County Council.

4 (2) The license shall be used in conjunction with the operation of a
5 restaurant, as defined in this article and in the regulations of the Board of Liquor
6 License Commissioners.

7 (3) [Except as provided in subsection (e)(2)(ii) of this section, the] **THE**
8 restaurant operation shall maintain average daily receipts from the sale of food at
9 least [65%] **60%** of the total daily receipts of the restaurant.

10 (e) Of the restaurants for which a Class B or Class D license may be
11 transferred and a Class B (B, W, L) (TCRD) may be issued under subsection (b)(1) of
12 this section, the Board of Liquor License Commissioners may require that:

13 (1) For not more than seven restaurants, applicants for license
14 transfer and issuance demonstrate a minimum capital investment, excluding the costs
15 of the land and building shell, of \$500,000; and

16 (2) For not more than three restaurants:

17 (i) Applicants for license transfer and issuance demonstrate a
18 capital investment, excluding the costs of the land and building shell, of not less than
19 \$50,000 or more than \$400,000; AND

20 (ii) [The restaurant operation maintain average daily receipts
21 from the sale of food of at least 70% of the total daily receipts of the restaurant; and

22 (iii)] The area dedicated to the restaurant operation have:

23 1. A maximum seating capacity of 100 persons, with the
24 seating capacity in the bar area not exceeding [15%] **25%** of the total seating capacity
25 of the restaurant; and

26 2. A minimum seating capacity of 40 persons.

27 8-204.4.

28 (d) The following additional requirements apply to the Class B (HV)
29 restaurant (on-sale) beer, wine and liquor retail license established by this section:

30 (1) The license may be issued only for a location within the “Hunt
31 Valley Commercial/Mixed Use Focal Point” as designated in the Hunt

1 Valley/Timonium Master Plan, adopted by the Baltimore County Council on October
2 19, 1998;

3 (2) The license shall be used in conjunction with the operation of a
4 restaurant, as defined in this article and the regulations of the Board of License
5 Commissioners;

6 (3) The restaurant operation shall maintain average daily receipts
7 from the sale of the food of at least [70%] 60% of the total daily receipts of the
8 establishment;

9 (4) The total seating capacity for the area dedicated primarily for the
10 purpose of the consumption of alcoholic beverages may not exceed 25% of the total
11 seating capacity of the establishment; and

12 (5) Subject to the provisions of subsection (h) of this section, the hours
13 during which the privileges conferred by the license may be exercised may not exceed
14 the hours for which food is offered for sale.

15 8-204.5.

16 (d) The following additional requirements apply to a Class B (QG), (MCOM),
17 or (PC) restaurant (on-sale) beer, wine and liquor retail license established by this
18 section:

19 (1) The license may be issued only for a location within the geographic
20 areas identified in subsection (b)(1) of this section;

21 (2) The license shall be used in conjunction with the operation of a
22 restaurant, as defined in this article and the regulations of the Board of License
23 Commissioners;

24 (3) The restaurant operation shall maintain average daily receipts
25 from the sale of the food of at least [70%] 60% of the total daily receipts of the
26 establishment;

27 (4) The total seating capacity for the area dedicated primarily for the
28 purpose of the consumption of alcoholic beverages may not exceed 25% of the total
29 seating capacity of the establishment; and

30 (5) Subject to the provisions of subsection (h) of this section, the hours
31 during which the privileges conferred by the license may be exercised may not exceed
32 the hours for which food is offered for sale.

33 8-204.7.

34 **(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.**

1 **(B) THE BOARD OF LIQUOR LICENSE COMMISSIONERS MAY NOT**
2 **AUTHORIZE THE TRANSFER OF MORE THAN A TOTAL OF 25 CLASS B OR CLASS**
3 **D LICENSES IN EXISTENCE ON MAY 1, 2012, OUT OF ELECTION DISTRICT 15.**

4 **8-204.8.**

5 **(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.**

6 **(B) (1) SUBJECT TO § 8-204.7 OF THIS SUBTITLE AND PARAGRAPH**
7 **(2) OF THIS SUBSECTION, FROM MAY 1, 2012, TO APRIL 30, 2017, BOTH**
8 **INCLUSIVE, THE BOARD OF LIQUOR LICENSE COMMISSIONERS MAY AUTHORIZE**
9 **THE TRANSFER OF A CLASS B OR CLASS D LICENSE IN EXISTENCE IN ELECTION**
10 **DISTRICT 15 ON MAY 1, 2012, TO AN ELECTION DISTRICT IN WHICH THE**
11 **NUMBER OF LICENSES IN EXISTENCE, ON THE DATE OF APPROVAL OF THE**
12 **TRANSFER, IS NOT GREATER THAN 25% MORE THAN THE NUMBER OF LICENSES**
13 **THAT WOULD OTHERWISE EXIST IN THAT ELECTION DISTRICT, BASED ON THE**
14 **RULE OF THE BOARD OF LIQUOR LICENSE COMMISSIONERS THAT LIMITS THE**
15 **TOTAL NUMBER OF LICENSES AVAILABLE IN AN ELECTION DISTRICT BY**
16 **POPULATION.**

17 **(2) NOT MORE THAN TWO LICENSES MAY BE TRANSFERRED**
18 **UNDER THIS SUBSECTION INTO ANY SINGLE ELECTION DISTRICT EACH YEAR**
19 **FROM MAY 1, 2012, TO APRIL 30, 2017, BOTH INCLUSIVE.**

20 ~~**(C) IF FEWER THAN FIVE CLASS B OR CLASS D LICENSES TRANSFER**~~
21 ~~**FROM ELECTION DISTRICT 15 TO ANOTHER ELECTION DISTRICT WITHIN ANY 1**~~
22 ~~**YEAR FROM MAY 1 TO APRIL 30, BOTH INCLUSIVE, OF THE FOLLOWING YEAR,**~~
23 ~~**DURING THE PERIOD FROM MAY 1, 2012, THROUGH APRIL 30, 2017, UNDER ANY**~~
24 ~~**APPLICABLE SECTION OF LAW OR THE RULES OF THE BOARD OF LICENSE**~~
25 ~~**COMMISSIONERS, THE BOARD OF LICENSE COMMISSIONERS SHALL CREATE**~~
26 ~~**AND ISSUE A NEW CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE TO**~~
27 ~~**ACHIEVE A REQUIREMENT OF NOT FEWER THAN FIVE NEW LICENSES EACH YEAR**~~
28 ~~**AS FOLLOWS:**~~

29 ~~**(1) BY APRIL 30, 2013, 5 LICENSES SHALL HAVE TRANSFERRED**~~
30 ~~**OR BEEN CREATED;**~~

31 ~~**(2) BY APRIL 30, 2014, 10 LICENSES SHALL HAVE TRANSFERRED**~~
32 ~~**OR BEEN CREATED;**~~

33 ~~**(3) BY APRIL 30, 2015, 15 LICENSES SHALL HAVE TRANSFERRED**~~
34 ~~**OR BEEN CREATED;**~~

1 ~~(4) BY APRIL 30, 2016, 20 LICENSES SHALL HAVE TRANSFERRED~~
2 ~~OR BEEN CREATED; AND~~

3 ~~(5) BY APRIL 30, 2017, 25 LICENSES SHALL HAVE TRANSFERRED~~
4 ~~OR BEEN CREATED WITH THE LAST CLASS B SERVICE BAR (SB) BEER AND WINE~~
5 ~~LICENSE REQUIRED TO HAVE BEEN CREATED ON OR BEFORE MAY 1, 2018.~~

6 (C) (1) IN ACCORDANCE WITH THIS SUBSECTION, THE BOARD OF
7 LIQUOR LICENSE COMMISSIONERS SHALL:

8 (I) APPROVE THE TRANSFER OF CLASS B OR CLASS D
9 LICENSES FROM ELECTION DISTRICT 15 TO ANY OTHER ELECTION DISTRICT IN
10 THE COUNTY; OR

11 (II) ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES
12 UNDER SUBSECTION (D) OF THIS SECTION.

13 (2) ON OR BEFORE APRIL 30, 2013, THE BOARD SHALL:

14 (I) APPROVE THE TRANSFER OF FIVE CLASS B OR CLASS D
15 LICENSES; OR

16 (II) IF FIVE LICENSES ARE NOT TRANSFERRED, ISSUE NEW
17 CLASS B SERVICE BAR (SB) LICENSES SO THAT THE NUMBER OF LICENSES
18 TRANSFERRED OR ISSUED SINCE MAY 1, 2012, TOTALS FIVE.

19 (3) ON OR BEFORE APRIL 30, 2014, THE BOARD SHALL:

20 (I) APPROVE THE TRANSFER OF CLASS B OR CLASS D
21 LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR
22 ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 10; OR

23 (II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER
24 ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE
25 BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES
26 TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012,
27 EQUALS 10.

28 (4) ON OR BEFORE APRIL 30, 2015, THE BOARD SHALL:

29 (I) APPROVE THE TRANSFER OF CLASS B OR CLASS D
30 LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR
31 ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 15; OR

1 (II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER
2 ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE
3 BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES
4 TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012,
5 EQUALS 15.

6 (5) ON OR BEFORE APRIL 30, 2016, THE BOARD SHALL:

7 (I) APPROVE THE TRANSFER OF CLASS B OR CLASS D
8 LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR
9 ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 20; OR

10 (II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER
11 ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE
12 BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES
13 TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012,
14 EQUALS 20.

15 (6) ON OR BEFORE APRIL 30, 2017, THE BOARD SHALL:

16 (I) APPROVE THE TRANSFER OF CLASS B OR CLASS D
17 LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR
18 TRANSFERRED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST
19 25; OR

20 (II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER
21 ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE
22 BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED
23 OR TRANSFERRED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 25.

24 (7) IN ANY YEAR, IF THE BOARD APPROVES THE TRANSFER OF
25 MORE CLASS B OR CLASS D LICENSES THAN ARE NEEDED TO MEET THE
26 MINIMUM TOTAL REQUIRED FOR THAT YEAR, THE EXCESS WILL BE COUNTED
27 AGAINST THE MINIMUM TOTAL REQUIRED FOR THE NEXT YEAR.

28 (8) THE DATE A LICENSE IS TRANSFERRED UNDER THIS
29 SUBSECTION IS THE DATE OF FINAL, NONAPPEALABLE APPROVAL OF THE
30 APPLICATION FOR A NEW LICENSE OR FOR LICENSE TRANSFER BY THE BOARD
31 OF LIQUOR LICENSE COMMISSIONERS.

32 (D) (1) A CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE MAY
33 BE ISSUED UNDER THIS SECTION SHALL COMPLY WITH PARAGRAPHS (2)
34 THROUGH (6) OF ONLY IN COMPLIANCE WITH THIS SUBSECTION.

1 (2) ~~THE~~ A CLASS B SERVICE BAR (SB) LICENSE MAY BE USED
2 ONLY ~~WITH~~ IN THE OPERATION OF A RESTAURANT, AS DEFINED BY THE BOARD
3 OF LIQUOR LICENSE COMMISSIONERS AND THIS ARTICLE, THAT MAINTAINS
4 AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 60% OF THE
5 TOTAL DAILY RECEIPTS OF THE ESTABLISHMENT.

6 (3) ~~THE~~ A CLASS B SERVICE BAR (SB) LICENSE SHALL ALLOW
7 ON-PREMISES SALES OF BEER AND WINE ONLY.

8 (4) A CLASS B SERVICE BAR (SB) LICENSE ALLOWS ALCOHOLIC
9 BEVERAGES TO BE SERVED TO PATRONS ONLY AS PART OF A MEAL.

10 ~~(4) (5)~~ (1) ~~THE~~ A CLASS B SERVICE BAR (SB) LICENSE
11 SHALL BE RESTRICTED TO RESTAURANTS THAT HAVE TABLE SERVICE,
12 ~~EXCLUDING ANY TYPE OF SERVICE PROVIDED TO A CUSTOMER WHO IS~~
13 ~~STANDING OR ACCEPTING DELIVERY OF THE PURCHASED FOOD ITEMS OTHER~~
14 ~~THAN WHILE SEATED AT A TABLE.~~

15 (ii) A CLASS B SERVICE BAR (SB) LICENSE DOES NOT
16 ALLOW SERVICE TO A CUSTOMER WHO IS STANDING OR ACCEPTING DELIVERY
17 OF PURCHASED FOOD OR BEVERAGE ITEMS OTHER THAN WHILE SEATED AT A
18 TABLE.

19 ~~(5) (6)~~ (1) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF
20 THIS PARAGRAPH, THE PROPOSED LOCATION OF THE RESTAURANT FOR WHICH
21 A CLASS B SERVICE BAR (SB) LICENSE IS SOUGHT SHALL COMPLY WITH THE
22 ZONING ORDINANCES OF BALTIMORE COUNTY, INCLUDING ALLOWING SEATING
23 FOR NOT FEWER THAN 30 CUSTOMERS AND NOT MORE THAN 100 CUSTOMERS.

24 (ii) THE LICENSE MAY NOT BE USED IN CONJUNCTION WITH
25 THE VIEWING OF TELEVISED SPORTING EVENTS OR THE USE OF LIVE BANDS,
26 DISC JOCKEYS, KARAOKE, OR ANY OTHER FORM OF LIVE ENTERTAINMENT.

27 ~~(6) (7)~~ A CLASS B OR D LICENSE TRANSFERRED UNDER
28 SUBSECTION (B) OF HIS THIS SECTION OR ISSUED UNDER SUBSECTION (C) OF
29 THIS SECTION AND A CLASS B SERVICE BAR (SB) LICENSE ISSUED UNDER THIS
30 SUBSECTION MAY NOT THEREAFTER BE TRANSFERRED FROM THE LICENSED
31 PREMISES OR CONVERTED TO ANOTHER CLASS OF LICENSE.

32 (8) NOT MORE THAN ONE CLASS B SERVICE BAR (SB) LICENSE
33 MAY BE ISSUED IN ANY ONE ELECTION DISTRICT PER YEAR.

34 (9) A CLASS B SERVICE BAR (SB) LICENSE MAY NOT BE ISSUED
35 FOR USE ON PREMISES OR A LOCATION FOR WHICH ANY ON-SALE LICENSE HAS

1 BEEN ISSUED WITHIN 2 YEARS BEFORE THE APPLICATION FOR THE CLASS B
2 SERVICE BAR (SB) LICENSE IS FILED.

3 (10) ANY PERSON, INCLUDING AN INDIVIDUAL OR SOLE
4 PROPRIETORSHIP, PARTNERSHIP, CORPORATION, UNINCORPORATED
5 ASSOCIATION, AND LIMITED LIABILITY COMPANY, MAY NOT HAVE A DIRECT OR
6 INDIRECT INTEREST AS DEFINED IN § 9-102(B-3B) OF THIS ARTICLE IN MORE
7 THAN ONE CLASS B SERVICE BAR (SB) LICENSE.

8 (E) THE ANNUAL FEE FOR A CLASS B SERVICE BAR (SB) BEER AND
9 WINE LICENSE ISSUED UNDER THIS SECTION IS \$5,000.

10 (F) (1) WHEN A LICENSE IS TRANSFERRED FROM ELECTION
11 DISTRICT 15 TO ANOTHER ELECTION DISTRICT UNDER THIS SECTION, THE
12 LICENSE MAY NOT BE CONSTRUED TO EXIST IN ELECTION DISTRICT 15.

13 (2) SUBJECT TO THE 25% ALLOWANCE AUTHORIZED IN
14 SUBSECTION (B) OF THIS SECTION, A LICENSE TRANSFERRED UNDER THIS
15 SECTION SHALL BE CONSIDERED BY THE BOARD OF LIQUOR LICENSE
16 COMMISSIONERS AS A REGULAR LICENSE AND NOT AN EXCEPTION LICENSE FOR
17 DETERMINING THE TOTAL NUMBER OF LICENSES AVAILABLE IN ANY ELECTION
18 DISTRICT BASED ON THE RULE OF THE BOARD OF LIQUOR LICENSE
19 COMMISSIONERS THAT LIMITS THE TOTAL NUMBER OF LICENSES AVAILABLE BY
20 POPULATION.

21 ~~§ 204.8.~~ § 204.9.

22 (A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

23 (B) THE BOARD OF LIQUOR LICENSE COMMISSIONERS:

24 (1) SHALL CONVERT A CLASS D LICENSE THAT IS TRANSFERRED
25 FROM ELECTION DISTRICT 15 TO ANY OTHER ELECTION DISTRICT TO A CLASS
26 B LICENSE; AND

27 (2) MAY NOT THEREAFTER TRANSFER THE CLASS B LICENSE
28 FROM THE LICENSED PREMISES OR CONVERT THE LICENSE TO ANOTHER CLASS
29 OF LICENSE.

30 (C) THE BOARD OF LIQUOR LICENSE COMMISSIONERS MAY NOT
31 TRANSFER FROM A LICENSED PREMISES OR CONVERT A LICENSE TO ANOTHER
32 CLASS OF LICENSE:

1 **(1) A NEW LICENSE ISSUED BY THE BOARD BASED ON AN**
 2 **INCREASE IN POPULATION UNDER THE RULE OF THE BOARD LIMITING THE**
 3 **TOTAL NUMBER OF LICENSES AVAILABLE BY POPULATION; AND**

4 **(2) A LICENSE THAT HAS BEEN REVOKED AND REISSUED BY THE**
 5 **BOARD.**

6 9–101.

7 (a) A license may not be issued to a partnership, to a corporation, or to a
 8 limited liability company, but only to individuals authorized to act for a partnership,
 9 corporation, or limited liability company who shall assume all responsibilities as
 10 individuals, and be subject to all of the penalties, conditions and restrictions imposed
 11 upon licensees under the provisions of the Tax – General Article that relate to the
 12 alcoholic beverage tax and the provisions of this article. If the application is made for a
 13 partnership, the license shall be applied for and be issued to all the partners as
 14 individuals, all of whom shall have resided in the city or county in which the place of
 15 business is located for at least 2 years prior to the application.

16 (1) (i) [Subject to subparagraph (ii) of this paragraph, in Baltimore
 17 and] **IN Montgomery [counties] COUNTY**, if the application is made for a partnership,
 18 the license shall be applied for and issued to at least 2 general partners as individuals,
 19 at least one of whom is a registered voter of the county where the application is made
 20 and resides there at the time of the application. If there is only one general partner,
 21 the license shall be issued to that partner as an individual, if that partner is a
 22 registered voter of the county where the application is made and resides there at the
 23 time of application.

24 (ii) **1. In Baltimore County, IF THE APPLICATION IS MADE**
 25 **FOR A PARTNERSHIP, THE LICENSE SHALL BE APPLIED FOR AND ISSUED TO AT**
 26 **LEAST TWO GENERAL PARTNERS AS INDIVIDUALS, AT LEAST ONE OF WHOM IS A**
 27 **REGISTERED VOTER OF ANY COUNTY OF THE STATE OR OF THE CITY OF**
 28 **BALTIMORE AND RESIDES THERE AT THE TIME OF APPLICATION.**

29 **2. IF THERE IS ONLY ONE GENERAL PARTNER, THE**
 30 **BOARD OF LIQUOR LICENSE COMMISSIONERS SHALL ISSUE THE LICENSE TO**
 31 **THAT PARTNER AS AN INDIVIDUAL, IF THE PARTNER IS A REGISTERED VOTER**
 32 **OF ANY COUNTY OR OF THE CITY OF BALTIMORE AND RESIDES THERE AT THE**
 33 **TIME OF THE APPLICATION.**

34 **3. [the] THE provisions of this [paragraph]**
 35 **SUBPARAGRAPH may not be construed to waive any of the requirements under §§**
 36 **9–102, 9–102.2, and 9–301 of this article.**

37 9–102.

1 (b-3B) (1) Notwithstanding any other provision of this section or §
 2 8-204(l) of this article, in Baltimore County, an individual or a sole proprietorship,
 3 partnership, corporation, unincorporated association, or limited liability company in
 4 the county, may obtain a direct or indirect interest in:

5 (i) Not more than ~~[six]~~ **12** Class B (on-sale — hotels and
 6 restaurants) beer, wine and liquor licenses under this article; or

7 (ii) If one of the restaurants for which a license is issued is
 8 located in the Liberty Road Commercial Revitalization District in accordance with
 9 subsection (b-3C) of this section, not more than ~~[seven]~~ **13** Class B (on-sale — hotels
 10 and restaurants) beer, wine and liquor licenses under this article.

11 (2) For an applicant to obtain a license under this subsection:

12 (i) The applicant shall apply in the regular manner and pay the
 13 usual fee; and

14 (ii) The restaurants for which the licenses are sought shall:

15 1. Meet the requirements of the rules and regulations of
 16 the Board of License Commissioners regarding the availability and issuance of
 17 licenses;

18 2. Meet the definition requirements of “restaurant”
 19 established under the regulations of the Board of License Commissioners;

20 3. Have a minimum seating capacity of 190 persons for
 21 dining;

22 4. Have a cocktail lounge or bar area seating capacity
 23 that does not exceed ~~[10%]~~ **25%** of the seating capacity for dining; and

24 5. Have no more than ~~[20%]~~ **40%** of sales in alcoholic
 25 beverages in connection with the business.

26 (b-3C) (1) Notwithstanding any other provision of this section or §
 27 8-204(l) of this article, in Baltimore County, an individual or a sole proprietorship,
 28 partnership, corporation, unincorporated association, or limited liability company in
 29 the county, may obtain a direct or indirect interest in not more than ~~[seven]~~ **13** Class
 30 B (on-sale — hotels and restaurants) beer, wine and liquor licenses under this article,
 31 by making application in the regular manner and paying the usual fee if the
 32 restaurant for which the additional license is sought:

33 (i) Meets the requirements of the rules and regulations of the
 34 Board of License Commissioners regarding the availability and issuance of licenses;

1 (ii) Meets the definition requirements of “restaurant”
2 established under the regulations of the Board of License Commissioners;

3 (iii) [Has a minimum seating capacity of 190 persons for dining;

4 (iv)] Has a cocktail lounge or bar area seating capacity that does
5 not exceed ~~10%~~ 25% of the seating capacity for dining;

6 ~~[(iv) (IV)]~~ Has no more than ~~20%~~ 40% of sales in alcoholic
7 beverages in connection with the business;] and

8 [(vi) ~~(IV)~~ (V)] Is located in the Liberty Road Commercial
9 Revitalization District as defined by the County Council on October 18, 1999.

10 10–103.

11 (b) (4) (i) Except as provided in [subparagraph] **SUBPARAGRAPHS**
12 (ii) **AND (IV)** of this paragraph, a statement that the applicant has been for two years
13 next preceding the filing of the application a resident of the county or of the City of
14 Baltimore in which the applicant proposes to operate under the license applied for.
15 The Board of License Commissioners of Prince George’s County shall apply the
16 residency requirements as specified in § 9–101 of this article;

17 (ii) In Dorchester County the residency requirement is 1 year;

18 (iii) In Carroll County, in addition to the applicant’s residential
19 statement required under this section, the license shall remain valid only for as long
20 as the resident applicant remains a resident of the county;

21 **(IV) IN BALTIMORE COUNTY, A STATEMENT THAT THE**
22 **APPLICANT HAS BEEN FOR 2 YEARS NEXT PRECEDING THE FILING OF THE**
23 **APPLICATION A RESIDENT OF THE STATE.**

24 (18) (i) A certificate signed by at least ten citizens who are owners
25 of real estate and registered voters of the precinct in which the business is to be
26 conducted, stating the length of time each has been acquainted with the applicant, or
27 in the case of a corporation with the individuals making the application; that they
28 have examined the application of the applicant and that they have good reason to
29 believe that all the statements contained in this application are true, and that they are
30 of the opinion that the applicant is a suitable person to obtain the license. The
31 certificate must have a statement that the signers of it are familiar with the premises
32 upon which the proposed business is to be conducted, and that they believe the
33 premises are suitable for the conduct of the business of a retail dealer in alcoholic
34 beverages.

1 (ii) [In Baltimore County, persons who are owners of real estate
2 and registered voters of Baltimore County and who reside within 1 mile of the
3 premises for which a license is sought shall be those persons signing the certificate.

4 (iii) In St. Mary's County, persons who are owners of real estate
5 within 5 miles of the premises for which a license is sought and registered voters of St.
6 Mary's County shall be those persons signing the certificate.

7 [(iv)] (III) [This] THE certificate REQUIRED BY
8 SUBPARAGRAPH (I) OF THIS PARAGRAPH is not necessary for applications filed in
9 Dorchester County, Prince George's County, Montgomery County [and], Anne Arundel
10 County, AND BALTIMORE COUNTY.

11 10-104.

12 [(e) In Baltimore County, the certificate shall be signed by at least 10 citizens
13 who shall be owners of real estate within 1 mile of the location of the proposed
14 business and registered voters of Baltimore County.]

15 SECTION 2. AND BE IT FURTHER ENACTED, That on and after the effective
16 date of this Act, the Baltimore County Board of ~~Licenses~~ LIQUOR LICENSE
17 Commissioners shall allow a reduction of 20% of the required square footage
18 applicable to office buildings and shopping centers in the rule of the Board of License
19 Commissioners that limits the total number of licenses available by population and
20 other issues related to the distribution of liquor licenses in the county.

21 SECTION 3. AND BE IT FURTHER ENACTED, That not later than June 15,
22 2016, the County Executive for Baltimore County shall appoint a task force to examine
23 further reductions in the rule of the Board of Liquor License Commissioners that
24 limits the total number of licenses available by population and other issues related to
25 the distribution of alcoholic beverages licenses in Baltimore County.

26 SECTION 4. AND BE IT FURTHER ENACTED, That §§ 8-204.3(d)(1), (2), and
27 (3) and (e), 8-204.4(d), 8-204.5(d), and 9-102(b-3B)(2)(ii) and (b-3C)(1), as enacted by
28 Section 1 of this Act, shall be construed to apply retroactively and shall be applied to
29 and interpreted to affect restaurants for which alcoholic beverages licenses have been
30 issued or are sought.

31 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act is an
32 emergency measure, is necessary for the immediate preservation of the public health
33 or safety, has been passed by a yea and nay vote supported by three-fifths of all the
34 members elected to each of the two Houses of the General Assembly, and shall take
35 effect from the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.